



Handbook of Operating Procedures

Student Conduct and Discipline

Policy Number: 186

Subject:	Student Conduct and Discipline	Responsible Office:	Office of the Executive Vice President & Chief Academic Officer; Office of Legal Affairs
Scope:	Students	Responsible Executive:	Executive Vice President & Chief Academic Officer; Vice President and Chief Legal Officer
Date Reviewed:	October 2015		

I. POLICY AND GENERAL STATEMENT

All students are required to obey federal, state, and local laws and to comply with the University of Texas System ("UT System") Board of Regents' Rules and Regulations, the rules and regulations of The University of Texas Health Science Center at Houston ("university"), and directives issued by administrative officials of the university or UT System in the course of their authorized duties. Students are also required to obey standards of conduct appropriate for an academic institution.

Any student who engages in conduct that violates the Regents' Rules and Regulations, university or UT System rules, or federal, state, or local laws is subject to disciplinary action whether the conduct takes place on or off university property and whether or not civil or criminal penalties may be imposed for such conduct. A student is also subject to disciplinary action for prohibited conduct that occurs while participating in any activities sponsored by the university or UT System, including, but not limited to, field trips, study abroad programs, inter- and/or intramural athletic activities, student organizations registered with the university, and laboratory and other rotations or clinical assignments, whether on or off university property.

A student who receives a period of suspension as a disciplinary action is subject to further disciplinary action for prohibited conduct that occurs during the period of suspension. A student who is suspended or is expelled for disciplinary reasons is prohibited from being on any university or UT System property during the period of suspension or after expulsion without prior written approval of the appropriate student affairs officer of the academic unit at which the suspended or expelled student wishes to be present. In the written request for such approval, the student is required to disclose each school and/or prior institution from which the student has been suspended or expelled and the conduct leading to the action.

II. DEFINITIONS

Administrative Disposition: A document signed by the student and the Dean that includes a statement of the disciplinary charges, the disciplinary penalty, a waiver of the disciplinary hearing procedures described in Appendix B, and a waiver of all appeals, except as otherwise provided in this policy.

Day: A calendar day except for days on which the university is officially closed or when regularly scheduled classes are suspended due to emergency situations.

Dean: The administrative officer(s) responsible for the administration of the disciplinary process at each school. Primary responsibility and authority for student discipline lies with the Dean of each school, who is responsible for coordinating an investigation of charges of misconduct and assessing disciplinary actions, if appropriate, within his or her own operating unit, notwithstanding any action taken by other authorities. The Dean may delegate the authority for the student disciplinary process at a school to one or more school administrative officers as the Dean's designee. All references to "Dean" herein also include the Dean's designee, if any.

Disciplinary probation: A penalty which involves observation and monitoring of a student's conduct for a period of time.

Expulsion: Permanent separation of a student from the university.

Hearing Officer: A fair and impartial individual selected by the Executive Vice President & Chief Academic Officer to hear disciplinary charges, make findings of fact, and, upon finding a violation of rule or policy, to impose one or more appropriate disciplinary penalties.

Student: A person who (1) is enrolled or registered at the university, (2) is accepted for admission or re-admission to the university, (3) was previously enrolled at the university in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows, or (4) who engaged in prohibited conduct at a time when he or she met any of these criteria.

Suspension: A temporary interruption in a student's enrollment and participation in academic activities at the university for a specific period of time, after which the student would be permitted to register/enroll and participate in academic activities, subject to such conditions as may be imposed as part of the disciplinary action and/or as a condition of the student's registration/enrollment and participation.

University Property: Any real property, buildings or facilities owned, leased, controlled or formally utilized by the university and/or UT System; also includes equipment and/or supplies owned and/or utilized by the university. For students enrolled or registered in the Graduate School of Biomedical Sciences, this may also include any real property, buildings, facilities or equipment owned, leased or formally utilized by UT M.D. Anderson Cancer Center.

III. PROCEDURE

A. Conduct

Conduct that would subject a student to disciplinary action includes, but is not limited to, the conduct described in [Appendix A](#).

B. Disciplinary Actions

The following disciplinary actions may be assessed by the Dean or by a hearing officer:

- disciplinary probation;
- withholding of grades, official transcript, and/or degree;
- bar against re-admission;
- restitution or reimbursement for damage to or misappropriation of university or UT System property;
- suspension of rights and privileges, including participation in scholastic and/or extracurricular activities;
- assignment of a grade of zero for an examination or assignment or for a course, and/or cancellation of all or any portion of a prior course credit;
- denial of degree;
- suspension;
- expulsion;

- revocation of degree and withdrawal of diploma;
- other reasonable sanctions deemed appropriate under the circumstances.

If a student is suspended, he or she will be administratively withdrawn from all courses and refunds will not be issued. Suspension is noted on the academic transcript. The notation can be removed upon the request of the student when all conditions of the suspension are met. Expulsion creates a permanent notation on the student's academic transcript.

If a student is found responsible for the illegal use, possession, and/or sale of a drug or narcotic on campus, the minimum sanction assessed (even upon appeal) shall be suspension from the university.

C. Process

1. Investigation

The Dean is responsible for coordinating an investigation into allegations of misconduct, except in cases of sexual misconduct as defined in HOOP 59. Sexual Misconduct. In such cases, the Dean shall immediately refer the matter to the Title IX Coordinator..

Pending a hearing or other disposition of the allegations, the Dean may take such immediate action as is reasonably appropriate under the circumstances when such action is in the best interest of the university. This includes, but is not limited to, suspension and bar from the campus when it reasonably appears to the Dean from the circumstances that the continuing presence of the student poses a potential danger to persons or property or a potential threat for disrupting any activity authorized by the operating unit and/or university.

When an interim disciplinary action has been taken by the Dean, a hearing of the charges against the student will generally be held within 10 days after the interim disciplinary action was taken in accordance with the procedures described in Appendix B. However, at the discretion of the Dean, the 10-day period may be extended for a reasonable period.

Notwithstanding the above, the Dean may withhold the issuance of an official transcript, grade, diploma, or degree to a student alleged to have violated a rule or regulation of the university or of UT System which would reasonably allow the imposition of such action. The Dean may take such action pending a hearing, resolution by administrative disposition, and/or exhaustion of appellate rights if the Dean has provided the student an opportunity to provide a preliminary response to the allegations and in the opinion of the Dean, the best interests of the university or UT System would be served by this action.

Any student may be contacted or may be summoned by written request of the Dean for purposes of the investigation and/or to discuss allegations of student misconduct. The written request shall specify a place for the meeting and a time at least 3 days after the date of the written request if the request is sent by regular mail, or at least 2 days after the date of the request if the request is sent by email or hand delivered. The written request may be mailed to the address appearing in the records of the Registrar, emailed to the email address on record with the university or hand delivered to the student. If the student fails to appear for such a meeting without good cause, as determined by the Dean, the Dean may bar or cancel the student's enrollment or otherwise alter the status of the student until the student attends the meeting. If the student failing to appear as requested by the Dean is the student against whom allegations are being reviewed, the Dean, in addition to the above, may proceed with disciplinary action based upon other available information using the disciplinary procedures described in Appendix B. A student's failure to maintain a current address with the Registrar, failure to read mail or email, or refusal to accept delivery of the notice are not considered good cause for failing to respond to the Dean's request for a meeting.

The Dean will consider the available information, determine if it is sufficient to proceed with the disciplinary process, and, if so, determine one or more appropriate disciplinary actions. Before proceeding with disciplinary action, the Dean will offer the accused student the opportunity to meet and provide a response to the allegations and, upon request, to review the available evidence supporting the charges. If the student disputes the facts on which the charges are based, the Dean will initiate the hearing procedures described in Appendix B.

In cases involving potential criminal conduct, the Dean shall consult with the Office of Legal Affairs and The University of Texas Police - Houston and shall advise the alleged victim of his or her right to file a criminal complaint.

2. Waiver

In any case, except in a case involving sexual misconduct as defined in HOOP 59, where the accused student elects both not to dispute the facts upon which the charges are based and agrees to the disciplinary actions the Dean assesses, the student may execute a written waiver of the hearing procedures described in Appendix B. This administrative disposition shall be final and there shall be no subsequent proceedings regarding the charges.

In any case, except in a case involving sexual misconduct as defined in HOOP 59, where the accused student elects not to dispute the facts upon which the charges are based but does not agree with the disciplinary actions assessed by the Dean, the student may execute a written waiver of the hearing procedures specified in Appendix B yet retain the right to appeal the decision of the Dean only on the issue of the disciplinary action assessed. The appeal regarding the disciplinary action assessed will be made to the university President, as provided below.

In any case involving sexual misconduct as defined in HOOP 59, both the complaining witness/complainant and the accused student must agree to the terms of any administrative disposition or waiver of the hearing procedures; otherwise, the hearing and appeals will proceed in accordance with this policy.

3. Hearing

Disciplinary hearings will be conducted in accordance with the procedures described in Appendix B. In any case involving sexual misconduct as defined in HOOP 59, the complaining witness/complainant will be provided the same rights and responsibilities outlined in Appendix B as the accused student, including the right to notice of the hearing.

4. Appeal

Either the Dean or the student may appeal the decision of the hearing officer. In cases involving sexual misconduct as defined in HOOP 59, Sexual Misconduct, the complaining witness/complainant may pursue an appeal under the same procedure as the accused student.

The appealing party shall submit to the President a written appeal stating the specific reasons for the appeal and any argument with a copy to the other party(ies). The appeal must be received by the President's Office no later than 7 days after the appealing party has been notified of the disciplinary action assessed by the Dean or of the decision of the hearing officer. If the notice of the disciplinary action assessed by the Dean or decision of the hearing officer is sent only by mail, the notice will be considered to have been received on the third calendar day after the date of mailing, excluding any intervening Sunday. The non-appealing party, and in cases involving sexual misconduct as defined in HOOP 59, the complaining witness/complainant, may submit a response to the appeal which must be received by the President's Office by no later than 3 days after receipt of the appeal by the non-appealing party or the complaining witness/complainant, with a copy to the other party (ies).

An appeal of the hearing officer's decision will be reviewed solely on the basis of the record from the hearing, but at the discretion of the President, both parties may present oral arguments. The Dean will submit the record of the hearing to the President as soon as it is available to the Dean.

The President may approve, reject, or modify the decision in question, or may require a reopening of the original hearing for presentation of additional evidence and reconsideration of the decision.

An appeal of the disciplinary action assessed by the Dean following the student's waiver of the disciplinary hearing procedures will be reviewed solely on the basis of the documentation and written arguments provided to the President by the student and the Dean.

The action of the President will be communicated in writing to all parties to the appeal within 14 days after the President receives the appeal and related documents. The decision of the President is final.

D. Records

A permanent, written disciplinary record will be maintained for each student assessed a disciplinary action of suspension, expulsion, denial or revocation of degree, and/or withdrawal of diploma. The academic transcript of a student suspended or expelled for disciplinary reasons shall be marked accordingly. A record of scholastic dishonesty will be maintained for at least five years unless the record is permanent in conjunction with the above-stated disciplinary actions. A disciplinary record will reflect the nature of the charge, the disposition of the charge, the disciplinary action assessed, and any other pertinent information. This disciplinary record will be maintained separately from the student's academic record by the applicable Office of Student Affairs. It shall be treated as confidential and will not be accessible to or available for use by anyone other than the Dean or university officials with legitimate educational interests except on written authorization of the student or otherwise in accordance with applicable state or federal laws, court order or subpoena, including legally required disclosure by the university to the alleged victim of a crime of violence or non-forcible sex offense (or to his or her next of kin if the alleged victim is deceased) of the report on any disciplinary action taken against a student for such offenses.

IV. CONTACTS

Office of the Executive Vice President & Chief Academic Officer

713-500-3082

<https://www.uth.edu/evpara/>

Office of Legal Affairs

713-500-3268

legal@uth.tmc.edu

<https://www.uth.edu/legal/contact-us.htm>

V. EXHIBITS

- [Appendix A](#) - Student Conduct and Discipline - Unacceptable Student Conduct
- [Appendix B](#) - Student Conduct and Discipline - Student Disciplinary Hearing Process